

REMARKS

Claim 22 is pending. By this Amendment, claim 22 is amended. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Reconsideration in view of the above amendments and following remarks is respectfully requested.

The Examiner is thanked for the courtesies extended to Applicant's representative during the October 13, 2005 telephone interview. The points discussed are incorporated herein.

The Office Action rejected claim 22 under 35 U.S.C. §102(e) as being anticipated by Kim, U.S. Patent No. 6,658,158. As agreed during the telephone interview, the Examiner will withdraw this rejection as Kim and the present application were both invented by Mr. Hyeon Jun Kim.

The Office Action rejected claim 22 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 4-6 of Kim. The rejection is respectfully traversed.

Independent claim 22 of the present application is directed to a confidence measure extraction method of a dominant color of an image. The method comprises obtaining a number of color pixels corresponding to each dominant color and a coherence value corresponding to each dominant color; multiplying the coherence value by a value corresponding to the number of color pixels with respect to each dominant color, adding the multiplied values with respect to all of the region dominant colors; and dividing the thusly added multiplied values by a region

size and extracting a confidence with respect to the image region. Claims 1 and 4-6 of Kim do not disclose or suggest such features.

That is, in contrast to independent claim 22 of the present application, claims 1 and 4-6 of Kim disclose a method for retrieving an image. The method of independent claim 1 of Kim includes dividing a reference image into sub-regions, extracting a regional representative color and a confidence measure of the regional representative color for each of the sub-regions, and extracting a second feature information of the reference image; comparing the confidence measure of the regional representative color for each sub-region to a predetermined threshold value; and determining a similarity between the reference image and a target image using the regional representative color if the confidence measure of the regional representative color for a sub-region is greater than the threshold, and otherwise, determining a similarity between the reference image and a target image using the second feature information of the reference image. Neither this claim, nor dependent claims 4-6 disclose or suggest details of how a confidence measure of the regional representative color for each of the sub-regions is extracted. It is respectfully submitted that the confidence measure extraction method of a video region dominant color of an image recited in independent claim 22 of the present application could be used in the method of independent claim 1 of Kim. However, as set forth above, independent claim 1, as well as dependent claims 4-6, fails to disclose or suggest the claimed features of the confidence measure extraction method recited in independent claim 22. Accordingly, the

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rejection of independent claim 22 under the judicially created doctrine of obviousness-type double patenting over claims 1 and 4-6 of Kim should be withdrawn.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Date: December 15, 2005